

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED
2011 JUN 15 P 1:05
CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ROJ
DEPUTY

KELLY JO SUTER, Ph.D.
Plaintiff

vs.

THE UNIVERSITY OF TEXAS AT
SAN ANTONIO, GEORGE PERRY, Ph.D.,
JAMES M. BOWER, Ph.D.
MATTHEW J. GDOVIN, Ph.D.,
ROBERT W. GRACY, Ph.D.,
J. AARON CASSILL, Ph.D., and
EDWIN J. BAREA-RODRIGUEZ, Ph.D.
Defendants

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No. 10-CV-692-OLG

PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE EXHIBIT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Kelly Jo Suter, Ph.D., Plaintiff herein and files this Unopposed Motion for Leave to File her Exhibit to her Response in Opposition to Defendants' Motion for Summary Judgment, and in support hereof respectfully shows the court as follows:

1. Plaintiff filed her response in opposition to Defendants' Motion for Summary Judgment on June 10, 2011 but was unable to file Exhibit "A" and its attachments. Plaintiff attempted to file Exhibit "A" and its attachments as an Appendix to the Response, and although the submission processed for several minutes, it eventually "timed out" and Plaintiff was unable to file Exhibit "A" within the time required.
2. On Monday, June 13, 2011 counsel for Plaintiff conferred with Defendants' counsel regarding the problem filing the Exhibit. Counsel for Plaintiff attempted to refile the Exhibit and its attachments on Monday, but again the submission "timed-out" after sending the request for

several minutes. Counsel for Plaintiff then contacted the ECF help desk and communicated via e-mail and telephone and it was determined that the documents were too large and exceeded the size limits for electronic filing. At approximately 4:30 p.m. counsel for Plaintiff was advised to rescan the documents and if the file size did not correct, then the documents would have to be filed traditionally.

3. On Tuesday, June 14, 2011 Plaintiff served Exhibit "A" and its attachments on the Defendants via facsimile, and counsel for Plaintiff notified the court of the problems encountered filing the Exhibit. Exhibit "A" and the attachments were rescanned and although the file size was substantially reduced, another attempt to refile the motion and Exhibit "A" with its attachments proved unsuccessful. Consequently, Plaintiff is submitting Exhibit "A" and its attachments along with her motion for leave to file the same traditionally.

Respectfully submitted this the 15th day of June, 2011.

LAW OFFICE OF REGINA BACON CRISWELL, PLLC

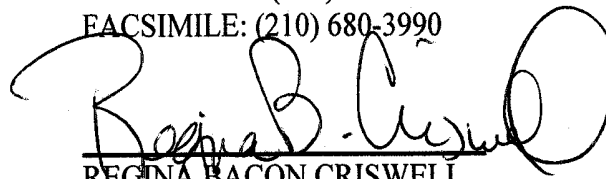
Carriage Place

P.O. Box 1399

San Antonio, Texas 78023-1399

TELEPHONE: (210) 681-7303

FACSIMILE: (210) 680-3990



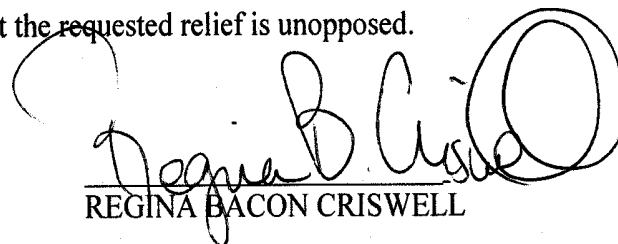
REGINA BACON CRISWELL

TBN: 01496580

Attorney for Plaintiff

CERTIFICATE OF CONFERENCE


This is to certify that counsel for Plaintiff conferred with counsel for Defendants regarding this motion and was advised that the requested relief is unopposed.



REGINA BACON CRISWELL

CERTIFICATE OF SERVICE

This is to certify that on the 15th day of June, 2011, I served the above forgoing on counsel for Defendants, Lars Hagen via facsimile. This is to further certify that Exhibit "A" and the attachments referenced therein were served on counsel for Defendants via facsimile on the 14th of June, 2011.


REGINA BACON CRISWELL